

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

JULY 22, 2004

The Marlboro Township Council held a regularly scheduled Council Meeting on July 22, 2004 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Mione opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regular meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 5, 2004; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Burrows, Council Vice President Denkensohn, Councilwoman Morelli, Councilman Pernice and Council President Mione.

Also present were: Mayor Kleinberg, Andrew Bayer, Esq., Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

Public Information Report - Public Information Director Susan Levine spoke about the following: Domestic Partnership Registration by appointment only; the 2nd Annual Marlboro Bicycle Safety Rodeo on Saturday, July 24th at Marlboro Elementary School from 10AM - 2 PM; Open Swim Weekends at aquatic center, July 24 & 25 and August 7 & 8, Noon - 4:30 PM; Marlboro Recreation "Under the Stars Movie Night" on July 29, 8:30 PM; the Leslie Gore Concert, August 8th, at 7:00 PM; odd-even lawn watering; and Marlboro Police Dept's Project Lifesaver; and the video messaging system.

Council Vice President Denkensohn moved that the minutes of June 10, 2004 be approved. This motion was seconded by Council President Mione and the minutes were passed on a roll call vote of 5 - 0.

Council Vice President Denkensohn moved that the minutes of June 22, 2004 be approved. This motion was seconded by Council President Mione and the minutes were passed on a roll call vote of 3 - 0, with Council President Mione and Councilwoman Morelli abstaining.

Council Vice President Denkensohn moved that the minutes of June 24 and 29, 2004 be approved. This motion was seconded by Council President Mione and the minutes were passed on a roll call vote of 4 - 0, with Councilwoman Morelli abstaining.

The following Resolution # 2004-225 (Approving Fair Share Plan and Endorsing Housing Element) was introduced by reference, offered by Council Vice President Denkensohn, and seconded by Councilwoman Morelli. COAH Planner Jennifer Beahm gave a synopsis of the plan. Council then asked for public comment.

Andrew Bayer, Esq. and COAH Planner Jennifer Beahm addressed all questions and each Council member commented on the plan. After discussion, Res. #2004-225 was passed on a roll call vote of 3 - 2 in favor, with Council President Mione and Councilman Burrows voting no.

RESOLUTION # 2004-225

A RESOLUTION ENDORSING THE HOUSING ELEMENT AND
APPROVING THE FAIR SHARE PLAN DATED JULY 2004
AND REQUESTING THAT THE NEW JERSEY COUNCIL FOR
AFFORDABLE HOUSING REVIEW AND CERTIFY THE
TOWNSHIP'S HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, the New Jersey Supreme Court has adopted the Mt. Laurel doctrine which requires every municipality to supply its fair share of affordable housing on a regional basis;

WHEREAS, the New Jersey Legislature adopted the Fair Housing Act, which inter alia, created the Council on Affordable Housing ("COAH") and developed criteria for establishing each municipality's share of the affordable housing regional need;

WHEREAS, on March 23, 1995, the Township petitioned COAH for substantive certification and then submitted its Housing Element and Fair Share Plan (collectively referred to as the "Affordable Housing Plan") to COAH on April 4, 1995;

WHEREAS, COAH reviewed the Affordable Housing Plan and issued a Report Requesting Additional Information on April 7, 1997 and in response to COAH's request, the Township supplied COAH with the requested information on August 21, 1998 by repetitioning COAH for substantive certification with an Amended Affordable Housing Plan to address the Township's twelve-year cumulative affordable housing obligation for the time period 1987-1999.

WHEREAS, COAH issued a Premediation Report on March 23, 1999 which reviewed the Township's Amended Affordable Housing Plan and requested additional information;

WHEREAS, on August 28, 2003, the Office of Administrative Law determined there were procedural deficiencies in the Affordable Housing Plan resulting from uncertainty regarding the location of existing and proposed facilities known as New Hope and Discovery House and the Administrative Law Judge ordered that Marlboro's petition be dismissed pending a new petition to be filed with COAH;

WHEREAS, instead of dismissing Marlboro's Petition for Substantive Certification, COAH modified the ALJ decision and ordered the Township to repetition COAH by December 31, 2003;

WHEREAS, through a series of additional orders, COAH extended the Township's deadline to file an Affordable Housing Plan until July 31, 2004;

WHEREAS, the Township's Planning Board considered the housing element portion of the Affordable Housing Plan which completely addresses the Township's affordable housing obligation for the period 1987-1999 dated July 2004 at a meeting of the Planning Board which was held on July 21, 2004;

WHEREAS, the Planning Board adopted and approved the housing element portion of the Affordable Housing Plan on July 21, 2004;

WHEREAS, the Township Council of the Township of Marlboro now wishes to endorse the Housing Element adopted and approved by the Planning Board and to approve the Fair Share Plan and upon that approval, the Township seeks to petition COAH for substantive certification of its Affordable Housing Plan pursuant to N.J.A.C. 5:91-1.3; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to petition COAH for substantive certification by approving the Affordable Housing Plan to ensure the Township is in compliance with its affordable housing obligation and to avoid the potential legal exposure of a builder's remedy lawsuit.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Housing Element which was adopted and approved by the Township of Marlboro Planning Board on July 21, 2004 is hereby endorsed and the Fair Share Plan dated July 2004 is hereby approved.

BE IT FURTHER RESOLVED that the Affordable Housing Plan be submitted to COAH and that this Resolution be considered by COAH as a petition for substantive certification by the Township of Marlboro pursuant to N.J.A.C. 5:91-1.3; and

BE IT FURTHER RESOLVED that the Township of Marlboro be authorized to publish notice of this petition for substantive certification in a newspaper of county-wide circulation and that a copy of this Resolution and the Housing Element and Fair Share Plan and supporting documentation be made available for public inspection and review at the office of the Marlboro Township Municipal Clerk during regular business hours from Monday through Friday at 1979 Township Drive, Marlboro, New Jersey, for a period of at least 45 days following the date of publication of said legal notice.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- a. Lucy Voorhoeve, Executive Director
New Jersey Council on Affordable Housing
101 South Broad Street, P.O. Box 813
Trenton, New Jersey 08625-0813

- b. Marlboro Township Planning Board
- c. Dennis Collins, Esq., Planning Board Attorney
- d. Township Administrator
- e. Gluck, Walrath & Lanciano, LLP

Council President Mione opened the Public Hearing on Ordinance #2004-12 (Amending Chapter 84 - Time Limits for Building Permits). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #2004-226/Ord. #2004-12 (Amending Chapter 84 - Time Limits for Building Permits) was introduced by reference, offered Councilwoman Morelli, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 (Absent: Denkensohn).

RESOLUTION # 2004-226

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2004-12

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 "LAND
USE DEVELOPMENT AND REGULATIONS", ARTICLE VII
"SUBDIVISIONS: DEVELOPMENT REVIEW PROCEDURES AND PLAT
DETAILS, SECTION 84-91 "SUBMISSION OF SKETCH PLAT, MINOR
SUBDIVISION PLAT OR MINOR SITE PLAN", SECTION 84-92
"SUBMISSION OF PRELIMINARY PLAT" AND SECTION 84-93
"SUBMISSION OF FINAL MAJOR SUBDIVISION PLAT OR MAJOR SITE
PLAN PLAT"

which was introduced on June 24, 2004, public hearing held July 22, 2004, be adopted on second and final reading this 22nd day of July, 2004.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Resolution #2004-227/Ord. #2004-13 (As Amended) (Amending Chapter 84 - Public Hearing and Notice Requirements) was introduced by reference, offered by Councilwoman Morelli, seconded by Council President Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2004-227

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2004-13 (As Amended)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS", ARTICLE I "DEFINITIONS, PURPOSE AND INTERPRETATION", SECTION 84-4B AND ARTICLE II "LAND USE PROCEDURES," SECTION 84-11 "PUBLIC HEARING AND NOTICES" OF THE CODE OF THE TOWNSHIP OF MARLBORO

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on August 12, 2004 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2004-13 (As Amended)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS", ARTICLE I "DEFINITIONS, PURPOSE AND INTERPRETATION", SECTION 84-4B AND ARTICLE II "LAND USE PROCEDURES," SECTION 84-11 "PUBLIC HEARING AND NOTICES" OF THE CODE OF THE TOWNSHIP OF MARLBORO

WHEREAS, Chapter 84 "Land Use Development Regulations" of the Code of the Township of Marlboro requires public notice of a hearing on an application for development, unless otherwise exempt; and

WHEREAS, by Ordinance #2004-4, Chapter 84 "Land Use Development Regulations" of the Code of the Township of Marlboro was amended to require that public notice be given to all owners of real property located within 300 feet in all directions of the property which is the subject of such hearing; and

WHEREAS, since the adoption of that ordinance, the Mayor and the Township Council believe that it is in the best interest of the residents of the Township of Marlboro to amend Chapter 84, Land Use Development Regulations of

the Code of the Township of Marlboro to decrease the public notice requirements on an application for development by requiring that notice be given to all owners of real property located within 200 feet in all directions of the property which is the subject of the hearing; and.

WHEREAS, the Mayor and the Township Council also believe that it is in the best interest of the residents of the Township of Marlboro to amend Chapter 84, Land Use Development Regulations of the Code of the Township of Marlboro to increase the public notice requirements on an application for development by requiring the posting of a Notice Sign on the property which is the subject of an application for development.

NOW THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that Chapter 84 "Land Use Development and Regulations," Article I "Definitions, Purpose and Interpretation," Section 84-4B "Definitions" and Article II "Land Use Procedures," Section 84-11 "Public Hearing and Notices" of the Code of the Township of Marlboro be amended and supplemented as follows:

§ 84-4B Definitions.

Subsection B of Section 84-4B is hereby amended and supplemented by adding the following definition thereto:

"Notice Sign" is a sign which is freestanding erected on property which is the subject of an application for development.

§ 84-11 Public Hearing and Notices.

Subsection A of Section 84-11 shall be amended and supplemented to read as follows:

"A. Notice required; exceptions.

(1) Public notice (other than the posting of a Notice Sign) of a hearing on an application for development shall be given except for:

(a) Minor site plan review;

(b) Minor subdivisions; and

(c) Final approval of a subdivision, provided that this section shall not foreclose the right of the governing body to provide by ordinance that public notice must be given for such categories of site plan review as it may specify, and further provided that public notice shall be given in the event that any type of variance relief is requested pursuant to the zoning regulations or subdivision regulations of this chapter.

(2) Only those applicants seeking preliminary or final approval of a major site plan or preliminary approval of a major subdivision are required to post a Notice Sign."

Section 84-11A(3) is amended by substituting the following for the last sentence thereof:

"For purposes of this Chapter, the term "public notice" shall include a Notice Sign. Public notice shall be given as provided in this Section."

Section 84-11B(5) is amended to read as follows:

"All public notices (other than Notice Signs) shall state the date, time and place of the public hearing, the nature of the all the matters to be considered and an identification of the property proposed for development by street address, if any or by reference to lot and block numbers and the location and times at which any maps and documents are available for public inspection. Notice Signs required to be erected on the property which is subject of the application for development shall state the name of the applicant, the name of the public body from which the applicant is seeking approval, the phone number of the public body where a person may seek information as to the date and time of the public hearing on the application and a statement that this number may be called to

obtain such information, a brief description of the nature of the approval sought including the number of proposed dwelling units, the type of units, e.g., single family homes, town homes, garden apartments, and in the case of non-residential uses, the nature of the proposed construction, e.g., warehouses, commercial use and the proposed square footage of the construction.

The Notice Sign shall not refer to any name of a planned development or that such development is "coming soon", "future site of" or any language that a reasonable person may construe as the development having been approved prior to the applicant's receipt of an approval resolution either from the Planning Board or the Zoning Board of Adjustment. The Notice Sign shall not contain any other information except as authorized herein."

Section 84-11B(6) is amended in its entirety to read as follows:

"The applicant shall be responsible for and shall bear the cost of providing the public notices (including Notice Signs) required by this Section. Public notices shall be given at least 10 days prior to the hearing date. Public notice (other than by Notice Sign) shall be given by publication in the official newspaper of the municipality, if there be one, or in a newspaper of general circulation in the municipality. Notice Signs shall contain the information required in Section 84-11B.(5) and shall satisfy the following requirements: (a) The Notice Sign shall (i) be between thirty-two (32) square feet in area and sixty-four (64) square feet in area; (ii) face a public street abutting the property which is the subject of the application; and (iii) be located not more than thirty (30) feet from such street; (b) The lettering on the Notice Sign shall be of such a type face and size as to be clearly visible to motorists and pedestrians in or on, the abutting street; (c) The Notice Sign shall remain until the applicable public body shall grant or deny final approval or the

applicant shall withdraw the application; and (d) The Notice Sign shall comply with the provisions of this Chapter applicable to Signs to the extent not inconsistent with this Section. Failure by an applicant to provide a Notice Sign as required by this Section will constitute a violation of this Code subject to the penalties provided by Section 4.3 of the Code. "

Section 84-11B(7) is amended by substituting the words "200 feet" for "300 feet" where it appears therein.

Section 84-11C.(2)and Section 84-11C(4) are each amended by substituting the words "200 feet" for "300 feet" where it appears therein.

Section 84-11C(6) is amended to read as follows:

"Public notices (other than Notice Signs) shall be given to owners of all real property, as shown on the current tax duplicate, located within 200 feet in all directions of the property which is the subject of such hearing. The notice shall be given by either serving a copy thereof on the property owner or mailing a copy thereof by certified mail to the property owner at his address as shown on said current tax duplicate; provided however, that such notice requirement shall be deemed satisfied as set forth in Section 84-11B(7)."

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions to adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

Council President Mione opened the Public Hearing on Ordinance # 2004-14 (Amending Section 84-47.1 - Mobile Home Park Dist.). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #2004-228/Ord. #2004-14 (Amending Section 84-47.1 - Mobile Home Park Dist.) was introduced by reference, offered Councilman Burrows, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 (Absent: Denkensohn).

RESOLUTION # 2004-228

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2004-14

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS", ARTICLE III "ZONING: STANDARDS AND REGULATIONS", SECTION 84-47.1 "MHD-II MOBILE HOME PARK DISTRICT" OF THE CODE OF THE TOWNSHIP OF MARLBORO

which was introduced on June 24, 2004, public hearing held July 22, 2004, be adopted on second and final reading this 22nd day of July, 2004.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Mione opened the Public Hearing on Ordinance # 2004-15 (Fees for Certified Copies - Vital Statistics). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #2004-15/Ord. #2004-229 (Fees for Certified Copies - Vital Statistics) was introduced by reference, offered Councilwoman Morelli, seconded by Councilman Burrows and passed on a roll call vote of 4 - 0 (Absent: Denkensohn).

RESOLUTION # 2004-229

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2004-15

AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 62 "FEES," ARTICLE III
"MUNICIPAL SERVICES," SECTION 62-4 "FEES"

which was introduced on June 24, 2004, public hearing held July 22, 2004, be adopted on second and final reading this 22nd day of July, 2004.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Resolution #2004-230/Ord. #2004-16 (Amending Chapter 84 - SCMFD-II Senior Citizen Multifamily District II and MDPHD Multifamily/Patio Home District) was introduced by reference, offered by Councilman Pernice, seconded by Councilwoman Morelli and passed on a roll call vote of 4 - 0 (Absent: Denkensohn).

RESOLUTION # 2004-230

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2004-16

AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 84 "LAND USE DEVELOPMENT AND
REGULATIONS", ARTICLE III "ZONING:
STANDARDS AND REGULATIONS", SECTION 84-
48.4 "SCMFD-II SENIOR CITIZEN
MULTIFAMILY DISTRICT II" AND SECTION
84-48.5 "MFPD MULTIFAMILY/PATIO HOME
DISTRICT" OF THE CODE OF THE TOWNSHIP
OF MARLBORO, NEW JERSEY

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on August 12, 2004 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2004-16

AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 84 "LAND USE DEVELOPMENT AND
REGULATIONS", ARTICLE III "ZONING:
STANDARDS AND REGULATIONS", SECTION 84-
48.4 "SCMFD-II SENIOR CITIZEN
MULTIFAMILY DISTRICT II" AND SECTION
84-48.5 "MFPHD MULTIFAMILY/PATIO HOME
DISTRICT" OF THE CODE OF THE TOWNSHIP
OF MARLBORO, NEW JERSEY

WHEREAS, the Township filed a petition for substantive certification with the New Jersey Council on Affordable Housing ("COAH") relating to the Township's Housing Element and Fair Share Plan (the "Affordable Housing Plan"); and

WHEREAS, Ashbel Associates, L.L.C.; Pallu Associates, L.L.C.; Great River Corp.; and Gihon Associates, L.L.C. (collectively referred to as the "Developer"), owners of certain parcels of land in the Township of Marlboro, filed an objection to the Township's petition for substantive certification with COAH; and

WHEREAS, the Township adopted a series of resolutions which settled the Developer's objections to the Township's Affordable Housing Plan, including, but not limited, to, Resolution Number 2000-58, Resolution 2000-291 and Resolution 2000-313, and by their terms resulted in the rezoning of Block 103, Lot 12; Block 119, Lot 16 to permit the construction of a total of 147 age-restricted housing units, consisting of 126 market-value units and 21 on-site affordable housing units; and Block 146, Lots 21, 23, 25 and 26 to permit the construction of a total of 199 patio homes consisting of 172 market value units and 27 on-site affordable multi-family condominiums; and

WHEREAS, on December 7, 2000, the Township of Marlboro Township Council adopted Ordinance Number 2000-8, which added Subsection 84-48.4 to the Code of the Township of Marlboro, which further describes the SCMFD-II Senior Citizen Multifamily District II; and

WHEREAS, on December 7, 2000, the Township of Marlboro Township Council adopted Ordinance Number 2000-33, which added Subsection 84-48.5 to the Code of the Township of

Marlboro, which further described the MFPHD-Multifamily/Patio Home District; and

WHEREAS, the Developer appeared before the Council on Affordable Housing objecting to the Township's request for an extension to file a Housing Element and Fair Share Plan and in response, COAH ordered the Township to negotiate with the Developer; and

WHEREAS, the Township of Marlboro and the Developer have negotiated an agreement in order to define more specifically their respective rights and responsibilities so that the Township may stay in compliance with its affordable housing obligation; specifically, the Township and the Developer agreed that it will develop no more than 126 age-restricted market-value units on Block 103, Lot 12 and Block 199, Lot 16 with no affordable housing units and no more than 221 units on Block 146, Lots 21, 23, 25 and 26 consisting of 172 market-value units (patio homes) and 49 on-site affordable multi-family condominiums; and

WHEREAS, the agreement states that the Township will take all necessary action so as to implement a change to the zoning of the particular parcels of land owned by Developers; and

WHEREAS, the Mayor and the Township Council believe it is in the best interest of the residents of the Township of Marlboro to amend Chapter 84, "Land Use Development Regulations" of the Code of the Township of Marlboro to allow for the zoning of the particular parcels of land owned by Developers so that the Township may stay in compliance with its affordable housing obligation; and

NOW THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that Chapter 84 "Land Use Development and Regulations," Article III "Zoning: Standards And Regulations", Section 84-48.4 "SCMFD-II Senior Citizen Multifamily District II" and Section 84-48.5 "MFPHD Multifamily/Patio Home District" be amended and supplemented as follows:

§ 84-48.4 SCMFI-II Senior Citizen Multifamily District II

The first sentence of Section 84-48.4 is hereby amended and supplemented to read in its entirety as follows:

"The Senior Citizen Multifamily District II, hereinafter referred to as "SCMFD-II," is defined as a community having one or more adjacent parcels of land with a total acreage of at least 60 acres to be dedicated to the use of a senior citizen multifamily community."

Subsection A, titled "Affordable Housing Provisions" shall be deleted in its entirety."

Subsection B, titled "Permitted principal uses" shall be recodified as Subsection A.

Subsection C, titled "Permitted accessory uses" shall be recodified as Subsection B.

Subsection D(1) shall be recodified as Subsection C and amended and supplemented as follows:

"C. The minimum lot, bulk and setback requirements shall be:

(1) Density. No more than 1.9 units shall be permitted per gross acre of the entire tract with a maximum of 126 units in total."

§ 84-48.5 MFPHD Multifamily/Patio Home District.

The first sentence of Section 84-48.5 is hereby amended and supplemented to read in its entirety as follows:

"The Multifamily/Patio Home District, hereinafter referred to as "MFPHD," is defined as a community having one or more adjacent parcels of land with a total acreage of at least 70 acres to be dedicated to the use of a residential community."

Subsection A shall be amended and supplemented as follows:

"A. Affordable Housing provisions. There shall be an obligation to provide that a minimum of the great of 49 units of 22% of all units shall be affordable rentals to moderate- and low-income households as defined by the New Jersey Council on Affordable Housing (COAH)."

Subsection D(1) shall be amended and supplemented as follows:

"D(1) Density. No more than 2.9 units shall be permitted per gross acre of the entire tract with a maximum of 221 units."

Subsection D(4)(c) shall be amended and supplemented as follows:

"D(4)(c) No more than 25 dwelling units shall be contained in a single building."

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions to adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Resolutions/Ordinances were introduced by reference, offered by Councilman Pernice, seconded by Councilwoman Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn): Res. #2004-231/Ord. #2004-17 (Amending Bond Ordinance 2002-17), Res. #2004-232/Ord. #2004-18 (Amending Bond Ordinance 2003-11) and

Res. #2004-233/Ord. #2004-19 (Providing Appropriation for NJDOT Grant Monies).

RESOLUTION # 2004-231

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2004-17

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO,
IN THE COUNTY OF MONMOUTH, NEW JERSEY,
AMENDING ORDINANCE NO. 2002-17 OF THE
TOWNSHIP FINALLY ADOPTED JUNE 13, 2002,
PROVIDING FOR VARIOUS IMPROVEMENTS FOR
AND BY THE TOWNSHIP OF MARLBORO

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on August 12, 2004 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2004-17

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO,
IN THE COUNTY OF MONMOUTH, NEW JERSEY,
AMENDING ORDINANCE NO. 2002-17 OF THE
TOWNSHIP FINALLY ADOPTED JUNE 13, 2002,
PROVIDING FOR VARIOUS IMPROVEMENTS FOR
AND BY THE TOWNSHIP OF MARLBORO

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section A. Section 7 of Bond Ordinance No. 2002-17 of the Township of Marlboro, in the County of Monmouth, New Jersey, finally adopted June 13, 2002 (the "Prior Ordinance"), is hereby amended to read as follows:

"Section 7. Any grant moneys received for the purposes described in Section 3 hereof (other than (i) up to \$150,000 in grant moneys to be received from the New Jersey Department of Transportation ("NJDOT") in respect of improvements to School Road East from New Jersey State Highway 70 to Dutch Lane Road (Account No. 00-480-078-6320-AA8-6010), (ii) up to \$150,000 in grant moneys to be received from the NJDOT in respect of improvements to Robertsville Road from the south property line of Block 331, Lot 55 to the intersection of Gordons Corner Road and Vista Drive, and improvements to Union Hill Road from 300 feet west of the Clayton Road off-ramp to the Manalapan Township boundary line (Account No. 03-480-078-8826-AG5-6010), and (iii) up to \$100,000 in grant moneys to be received in respect of improvements to Robertsville Road from Serpentine Drive to the Old Bridge Township boundary (Account No. 04-480-078-6320-AIH-6010), none of which grant moneys are appropriated hereby) shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used."

Section B. The capital budget or temporary capital budget (as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section C. After passage upon first reading of this bond ordinance, the Township Clerk is hereby directed to publish the full text of the bond ordinance, together with the notice set forth below entitled: "NOTICE OF PENDING BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven days prior to the

date set for public hearing and further consideration for final passage (which date shall be at least ten days after introduction and first reading). The Township Clerk is further directed to comply with all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications, and the provision of copies of this bond ordinance.

Section D. After final adoption of this bond ordinance by the Mayor and Council, the Township Clerk is hereby directed to publish the full text of this bond ordinance, as finally adopted, together with the notice set forth below entitled: "NOTICE OF ADOPTION OF BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

Section E. This ordinance amends Bond Ordinance No. 2002-17 of the Township finally adopted June 13, 2002. Any inconsistencies shall be resolved by reference to this amending ordinance. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section F. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by Section D hereof and the Local Bond Law.

RESOLUTION # 2004-232

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2004-18

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO,
IN THE COUNTY OF MONMOUTH, NEW JERSEY,
AMENDING ORDINANCE NO. 2003-11 OF THE
TOWNSHIP FINALLY ADOPTED JUNE 26, 2003,
PROVIDING FOR VARIOUS IMPROVEMENTS FOR AND
BY THE TOWNSHIP OF MARLBORO

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on August 12, 2004 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2004-18

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO,
IN THE COUNTY OF MONMOUTH, NEW JERSEY,
AMENDING ORDINANCE NO. 2003-11 OF THE
TOWNSHIP FINALLY ADOPTED JUNE 26, 2003,
PROVIDING FOR VARIOUS IMPROVEMENTS FOR AND
BY THE TOWNSHIP OF MARLBORO

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section A. Section 3(a) of Bond Ordinance No. 2003-11 of the Township of Marlboro, in the County of Monmouth, New Jersey, finally adopted June 26, 2003 (the "Prior Ordinance"), is hereby amended such that the description of the project listed in clause (a) under the subheading entitled "Engineering Department Roadway Improvements", for which the Appropriation and Estimated Cost is identified as \$1,000,000 and the Estimated Maximum Amount of Bonds and Notes is identified as \$950,000, is amended from "School Road East Reconstruction" to "School Road East Reconstruction, including Design relating thereto".

Section B. Section 6(d) of the Prior Ordinance is hereby amended such that the aggregate amount for items of expense listed in and permitted under Section 20 of the Local Bond Law is amended from \$325,000 to \$425,000.

Section C. Section 7 of the Prior Ordinance is hereby amended to read as follows:

"Section 7. Any grant moneys received for the purposes described in Section 3 hereof (other than (i) up to \$150,000 in grant moneys to be received from the New Jersey Department of Transportation ("NJDOT") in respect of improvements to School Road East from New Jersey

State Highway 70 to Dutch Lane Road (Account No. 00-480-078-6320-AA8-6010), (ii) up to \$150,000 in grant moneys to be received from the NJDOT in respect of improvements to Robertsville Road from the south property line of Block 331, Lot 55 to the intersection of Gordons Corner Road and Vista Drive, and improvements to Union Hill Road from 300 feet west of the Clayton Road off-ramp to the Manalapan Township boundary line (Account No. 03-480-078-8826-AG5-6010), and (iii) up to \$100,000 in grant moneys to be received in respect of improvements to Robertsville Road from Serpentine Drive to the Old Bridge Township boundary (Account No. 04-480-078-6320-AIH-6010), none of which grant moneys are appropriated hereby) shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used."

Section D. The capital budget or temporary capital budget (as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section E. After passage upon first reading of this bond ordinance, the Township Clerk is hereby directed to publish the full text of the bond ordinance, together with the notice set forth below entitled: "NOTICE OF PENDING BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten days after introduction and first reading). The Township Clerk is further directed to comply with all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications, and the provision of copies of this bond ordinance.

Section F. After final adoption of this bond ordinance by the Mayor and Council, the Township Clerk is hereby directed to publish the full text of this bond ordinance, as finally adopted, together with the notice set forth below entitled: "NOTICE OF ADOPTION OF BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

Section G. This ordinance amends Bond Ordinance No. 2002-17 of the Township finally adopted June 13, 2002. Any inconsistencies shall be resolved by reference to this amending ordinance. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section H. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by Section F hereof and the Local Bond Law.

RESOLUTION # 2004-233

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2004-19

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN
THE COUNTY OF MONMOUTH, NEW JERSEY PROVIDING
FOR VARIOUS ROAD IMPROVEMENTS FOR AND BY THE
TOWNSHIP OF MARLBORO, AND APPROPRIATING
\$400,000 THEREFOR FROM THE RECEIPT OF
CERTAIN GRANT MONEYS

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on August 12, 2004 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2004-19

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN
THE COUNTY OF MONMOUTH, NEW JERSEY PROVIDING
FOR VARIOUS ROAD IMPROVEMENTS FOR AND BY THE
TOWNSHIP OF MARLBORO, AND APPROPRIATING
\$400,000 THEREFOR FROM THE RECEIPT OF
CERTAIN GRANT MONEYS

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not
less than two-thirds of all members thereof affirmatively
concurring), AS FOLLOWS:

Section 1. The grant moneys to be received
from the New Jersey Department of Transportation ("NJDOT")
under Account No. 00-480-078-6320-AA8-6010, in the amount
of \$150,000, are hereby appropriated for improvements to
School Road East from New Jersey State Highway 79 to Dutch
Lane Road, as more fully described in the application
relating to said grant.

Section 2. The grant moneys to be received
from the NJDOT under Account No. 03-480-078-8826-AG5-6010,
in the amount of \$150,000, are hereby appropriated for
improvements to Robertsville Road from the south property
line of Block 331, Lot 55 to the intersection of Gordons
Corner Road and Vista Drive, and for improvements to Union
Hill Road from 300 feet west of the Clayton Road off-ramp
to the Manalapan Township boundary line, as more fully
described in the application relating to said grant.

Section 3. The grant moneys to be received
from the NJDOT under Account No. 04-480-078-6320-AIH-6010,
in the amount of \$100,000, are hereby appropriated for
improvements to Robertsville Road from Serpentine Drive to
the Old Bridge Township boundary, as more fully described
in the application relating to said grant.

Section 4. The capital budget or temporary
capital budget, as applicable, of the Township is hereby
amended to conform with the provisions of this ordinance to
the extent of any inconsistency herewith. In the event of
any such inconsistency and amendment, the resolution in the
form promulgated by the Local Finance Board showing full
detail of the amended capital budget or temporary capital
budget, as applicable, and capital program as approved by

the Director of the Division of Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section 5. This ordinance shall take effect as provided by law.

The following Resolution # 2004-234 (Authorizing Affordable Housing Settlement Agreement) was introduced by reference, offered by Councilman Pernice, seconded by Councilman Burrows and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2004-234

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT RESOLVING OBJECTIONS MADE TO THE TOWNSHIP OF MARLBORO'S HOUSING ELEMENT AND FAIR SHARE PLAN BY ASHBEL ASSOCIATES, L.L.C., PALLU ASSOCIATES, L.L.C., GREAT RIVER CORP. AND GIHON ASSOCIATES, L.L.C.

WHEREAS, Ashbel Associates, L.L.C.; Pallu Associates, L.L.C.; Great River Corp.; and Gihon Associates, L.L.C. (collectively referred to as the "Developer") filed an objection to the Township of Marlboro's Petition for Substantive Certification with the Council on Affordable Housing ("COAH"); and

WHEREAS, the Township Council adopted Resolution Number 2000-58, Resolution Number 2000-291 and Resolution Number 2000-313, which resulted in the rezoning of Block 103, Lot 12 and Block 119, Lot 16 to permit the construction of 147 senior housing units, consisting of 126 market-value units and 21 on-site affordable housing units ("Site 1") and the rezoning of Block 146, Lots 21, 23, 25 and 26 to permit the construction of 199 patio homes, consisting of 172 market-value units and 27 on-site affordable multi-family condominiums ("Site 2") both rezonings subject to COAH's grant of substantive certification to the Township's Affordable Housing Plan; and

WHEREAS, on December 7, 2000, the Township of Marlboro Township Council adopted Ordinance Number 2000-8, which included Site 1 in the SCMFD-II Senior Citizen Multifamily

District II and added Subsection 84-48.4 to the Code of the Township of Marlboro, which further described the Senior Citizen Multifamily District II; and

WHEREAS, on December 7, 2000, the Township of Marlboro Township Council adopted Ordinance Number 2000-33, which included Site 2 in the MFPHD-Multifamily/Patio Home District and added Subsection 84-48.5 to the Code of the Township of Marlboro, which further described the Multifamily/Patio Home District; and

WHEREAS, the Developer appeared before COAH, and COAH requested that the Township rezone Site 1 and Site 2 immediately to permit the construction of affordable housing units within the Township in conformance with the Mt. Laurel doctrine; and

WHEREAS, the Township and the Developer (collectively the "Parties") having negotiated the attached Agreement to define more specifically certain rights and responsibilities of the Parties so that the Township may stay in compliance with its affordable housing obligation and at the same time receive additional rental bonus credits from COAH (the "Agreement"); and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to enter into the Agreement with the Developer.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is authorized to execute the Agreement between the Township of Marlboro and Ashbel Associates, L.L.C.; Pallu Associates, L.L.C.; Great River Corp.; and Gihon Associates, L.L.C. substantially in the form of the Agreement as attached; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Ashbel Associates, L.L.C.
- b. Pallu Associates, L.L.C.
- c. Great River Corp..
- d. Gihon Associates, L.L.C.
- e. Township Administrator
- f. Township Chief Financial Officer
- g. Gluck, Walrath and Lanciano, LLP

The following Resolution # 2004-235 (Change of Text & Title - Engineering - S & W to OE) was introduced by reference, offered by Councilwoman Morelli, seconded by Council President Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2004-235

RESOLUTION REQUESTING APPROVAL FOR CHANGE IN TITLE,
TEXT AND AMOUNT

WHEREAS, N.J.S.A. 40A: 4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text or amount of any appropriation appearing in the budgets as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any such county or municipality;

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S. A. 40A: 4-85, the Township of Marlboro hereby requests the Director of the Division of Local Government Services to make the following corrections in the budget of the year 2003:

FROM:	Engineering S&W:	\$30,000.00
TO:	Engineering OE:	\$30,000.00

BE IT FURTHER RESOLVED that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute above referred to, and is necessary for the orderly operation of the Township of Marlboro for the reasons hereinafter set forth:

The Township Engineer resigned in March 2004. Charges to Engineering, Salary & Wages line item have been reduced.
Payment for services of the Acting Township Engineer is being charged to the Engineering, Other Expense line item.

BE IT FURTHER RESOLVED that the Township Clerk of the Township of Marlboro is hereby directed to forward two (2)

certified copies of the Resolution to the Director of the Division of Local Government Services;

BE IT FURTHER RESOLVED that certified copies of the within Resolution be forwarded to the Township Administrator, the Director of Finance and the Auditor.

The following Resolution # 2004-236 (Change of Text & Title - Public Defender - S & W to OE) was introduced by reference, offered by Council President Mione, seconded by Councilwoman Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2004-236

RESOLUTION REQUESTING APPROVAL FOR CHANGE IN TITLE,
TEXT AND AMOUNT

WHEREAS, N.J.S.A. 40A: 4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text or amount of any appropriation appearing in the budgets as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any such county or municipality;

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S. A. 40A: 4-85, the Township of Marlboro hereby requests the Director of the Division of Local Government Services to make the following corrections in the budget of the year 2004:

FROM:	Public Defender S&W:	\$14,000.00
TO:	Public Defender OE:	\$14,000.00

BE IT FURTHER RESOLVED that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute above referred to, and is necessary for the orderly operation of the Township of Marlboro for the reasons hereinafter set forth:

A Public Defender was paid from a Salary and Wage Account through February 2004.

Effective March 1, 2004, payment for services of the Public Defender has accrued to the Public Defender, Other Expense line item.

BE IT FURTHER RESOLVED that the Township Clerk of the Township of Marlboro is hereby directed to forward two (2) certified copies of the Resolution to the Director of the Division of Local Government Services;

BE IT FURTHER RESOLVED that certified copies of the within Resolution be forwarded to the Township Administrator, the Director of Finance and the Auditor.

The following Resolutions were introduced by reference, offered by Councilman Pernice, seconded by Councilwoman Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn): Res. # 2004-237 (Authorizing EUS Contract - Engineer - House), Res. # 2004-238 (Authorizing EUS Contract - MSHP Remediation Costs), Res. # 2004-239 (Authorizing EUS Contract - Financial Consultant), Res. # 2004-240 (Authorizing EUS Contract - Employee Assistance Program - Police)

RESOLUTION # 2004-237

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN BIRDSALL ENGINEERING, INC. AND THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF ENGINEERING CONSULTING SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF COMMUNITY DEVELOPMENT

WHEREAS, there exists a need for the Township of Marlboro to enter into a contract for the provision of engineering consulting services for the Township of Marlboro Department of Community Development, Engineering Division, through the end of 2004; and

WHEREAS, the Township of Marlboro has received a proposal from Birdsall Engineering to provide engineering consulting services for the Township of Marlboro Department of Community Development, Engineering Division, through the end of 2004 in the amount of \$33,000.00; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Birdsall Engineering, Inc. and the Township of Marlboro for the provision of engineering consulting services through the end of 2004 for the Township of Marlboro Department of Community Development, Engineering Division, in the amount of \$33,000.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Birdsall Engineering, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck, Walrath and Lanciano, LLP

RESOLUTION # 2004-238

A RESOLUTION AUTHORIZING THE EXECUTION OF A
CONTRACT BETWEEN BIRDSALL ENGINEERING, INC. AND
THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF
ENGINEERING SERVICES FOR AN ENVIRONMENTAL
ASSESSMENT OF THE MARLBORO PSYCHIATRIC HOSPITAL
PROPERTY

WHEREAS, there exists a need for the Township of Marlboro to enter into a contract for the provision of engineering services for an environmental assessment of the Marlboro Psychiatric Hospital property; and

WHEREAS, the Township of Marlboro has received a proposal from Birdsall Engineering, Inc. to provide engineering services for an environmental assessment of the Marlboro Psychiatric Hospital property

in the amount of \$8,500.00; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Birdsall Engineering, Inc. and the Township of Marlboro for the provision of engineering services for an environmental assessment of the Marlboro Psychiatric Hospital property in the amount of \$8,500.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Birdsall Engineering, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck, Walrath and Lanciano, LLP

RESOLUTION # 2004-239

A RESOLUTION AUTHORIZING THE EXECUTION OF A
CONTRACT BETWEEN ULRICH STEINBERG AND THE
TOWNSHIP OF MARLBORO FOR THE PROVISION OF
FINANCIAL CONSULTING SERVICES FOR THE TOWNSHIP
OF MARLBORO FINANCE DEPARTMENT

WHEREAS, there exists a need for the Township of Marlboro to enter into a contract for the provision of financial consulting services for the Township of Marlboro Finance Department; and

WHEREAS, the Township of Marlboro Finance Department has received an estimate from Ulrich Steinberg to provide financial consulting services for the Township of Marlboro Finance Department in the amount of \$10,000.00; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Ulrich Steinberg and the Township of Marlboro for the provision of financial consulting services for the Township of Marlboro Finance Department in the amount of \$10,000.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Ulrich Steinberg
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck, Walrath & Lanciano, LLP

RESOLUTION # 2004-240

A RESOLUTION AUTHORIZING THE EXECUTION OF A
CONTRACT BETWEEN MARK WHITE, Ph.D., P.A.,
LICENSED PSYCHOLOGIST AND THE TOWNSHIP OF
MARLBORO FOR THE PROVISION OF PSYCHOLOGICAL
REFERRAL SERVICES THROUGH AN EMPLOYEE ASSISTANCE
PROGRAM FOR THE TOWNSHIP OF MARLBORO
POLICE DEPARTMENT

WHEREAS, there exists a need for the Township of Marlboro to enter into a contract for the provision of psychological referral services through an Employee

Assistance Program for the employees of the Township of Marlboro Police Department; and

WHEREAS, the Township of Marlboro Police Department has received a proposal from Mark White, Ph.D., P.A., Licensed Psychologist, to provide psychological referral services through an Employee Assistance Program for the employees of the Township of Marlboro Police Department in the amount of \$3,500.00; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Mark White Ph.D., Licensed Psychologist and the Township of Marlboro for the provision of psychological referral services through an Employee Assistance Program in the amount of \$3,500.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Mark White, Ph.D., P.A., Licensed Psychologist
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck, Walrath and Lanciano, LLP

The following Resolution # 2004-241 (Award of Bid - HVAC Services) was introduced by reference, offered by Council President Mione, seconded by Councilwoman Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2004-241

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT
TO AIRHANDLERS MECHANICAL SERVICE, INC. FOR THE
PROVISION OF SERVICES IN CONNECTION WITH HEATING
VENTILATING AND AIR CONDITIONING SYSTEMS FOR THE
TOWNSHIP'S BUILDINGS

WHEREAS, the Township of Marlboro Public Works Department has authorized the acceptance of bids to service and maintain the heating ventilation and air conditioning systems (the "HVAC systems") in the Township's buildings, as more specifically defined in the Bid Invitation, beginning October 1, 2004 for one year; and

WHEREAS, two (2) bids for providing service and maintenance for the HVAC systems for the Township's buildings were received as follows:

1. Airhandlers Mechanical Service, Inc., Haddon Heights, New Jersey in the amount of \$31,950.00; and
2. Peterson Service Co., Medford, New Jersey in the amount of \$72,798.00.

WHEREAS, the Administration and the Public Works Department have reviewed the bids received and recommend that a contract be awarded to Airhandlers Mechanical Service, Inc. for the provision of services and materials for the HVAC systems in the Township's buildings beginning October 1, 2004 as the lowest qualified bidder; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award said contract to Airhandlers Mechanical Service, Inc., the lowest qualified bidder.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract to provide services and materials in connection with the HVAC systems in the Township's buildings beginning October 1, 2004 be and hereby is awarded to Airhandlers Mechanical Service, Inc. and that the Mayor is authorized to execute a one-year contract, in a form legally acceptable to the Township Attorney, between the Township

of Marlboro and Airhandlers Mechanical Service, Inc. in an amount not to exceed \$31,950.00; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Airhandlers Mechanical Service, Inc.
- b. Supervisor, Department of Public Works
- c. Township Administrator
- d. Township Chief Financial Officer

The following Resolution # 2004-242 (Award of Bid - Police Uniforms) was introduced by reference, offered by Council President Mione, seconded by Councilwoman Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2004-242

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT
TO BOB'S UNIFORM SHOP, INC. FOR THE PROVISION OF
POLICE AND DISPATCHER UNIFORMS TO THE MARLBORO
TOWNSHIP POLICE DEPARTMENT

WHEREAS, the Township of Marlboro has authorized the acceptance of bids to supply police and dispatcher uniforms for the Township of Marlboro Police Department for two years commencing on the date a bid is awarded; and

WHEREAS, one (1) bid for supplying police and dispatcher uniforms for the Township of Marlboro Police Department was received from Bob's Uniform Shop, Inc., Middletown, New Jersey, in the amount of \$1,669.35 pursuant to the unit prices for the various parts of the police and dispatcher uniforms as set forth in the bid proposal, a copy of which is attached; and

WHEREAS, the Administration and the Police Department have reviewed the bid received and recommend that a contract be awarded to Bob's Uniform Shop, Inc. for the provision of police and dispatcher uniforms for two years

commencing on the date a bid is awarded as the lowest qualified bidder; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award said contract to Bob's Uniform Shop, Inc., the lowest qualified bidder.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract to provide police and dispatcher uniforms in the amount of \$1,669.35 pursuant to the unit prices as set forth in the bid proposal for two years commencing on the date a bid is awarded be and hereby is awarded to Bob's Uniform Shop, Inc. and that the Mayor is authorized to execute a two-year contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Bob's Uniform Shop, Inc.; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Bob's Uniform Shop, Inc.
- b. Chief, Marlboro Township Police Department.
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck, Walrath & Lanciano, LLP

The following Resolution # 2004-243 (Authorizing Amendment to Project Agreement - Green Acres) was introduced by reference, offered by Councilwoman Morelli, seconded by Council President Mione and passed on a roll call vote of 4 - 0 (Absent: Denkensohn).

RESOLUTION # 2004-243

RESOLUTION AUTHORIZING AN AMENDMENT TO PROJECT AGREEMENT
WITH THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL
PROTECTION, GREEN ACRES PROGRAM

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Marlboro has previously obtained a grant of \$750,000.00 from the State and has entered into a Project Agreement ("Agreement") dated March 24, 2003 to fund the following project(s): Marlboro Open Space Acquisition (1330-01-087); and

WHEREAS, the State and Township of Marlboro intend to increase Green Acres funding; and,

WHEREAS, the applicant is willing to use the State's funds in accordance with its rules, regulations and applicable statutes, and is willing to enter into an Amendment of the Agreement with the State for the above named project;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro

1. That Robert Kleinberg or the successor to the office of the Mayor is hereby authorized to execute an Amendment to the Agreement increasing funding to \$1,150,000 and any further amendment thereto for the project; and,
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$1,150,000; and,
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project; and,
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance on the project; and,
5. That this resolution shall take effect immediately.

6. That a certified copy of this Resolution shall be provided to each of the following:

- a. Township Business Administrator
- b. Township Chief Financial Officer
- c. Gluck, Walrath & Lanciano, LLP

The following Resolution # 2004-244 (Authorizing Increase in Deferred Loan Amount - Township Rehab Program) was introduced by reference, offered by Council President Mione, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2004-244

RESOLUTION AUTHORIZING AN INCREASE IN THE DEFERRED LOAN
AMOUNT AVAILABLE UNDER THE MARLBORO TOWNSHIP HOUSING
REHABILITATION PROGRAM FOR APPLICATION NO. 02-029

WHEREAS, the Township of Marlboro has implemented a housing rehabilitation program in the Township, which is administered in accordance with the Housing Rehabilitation Program Policy and Procedure Manual; and

WHEREAS, the Policy and Procedural Manual provides the Township Council with the discretion to increase the caps as to the maximum deferred loan amounts available to eligible homeowners for housing rehabilitation and improvements on a case-by-case basis in such instances where the lowest qualified bid received for providing the rehabilitation work exceeds the deferred loan caps; and

WHEREAS, in accordance with the Policy and Procedural Manual, bids were received in order to provide the necessary rehabilitation work associated with Application No. 02-029; and

WHEREAS, the lowest qualified bid received was in the amount of \$15,357.00, which exceeds the current deferred loan cap of \$12,000.00; and

WHEREAS, the Program Administrator, Housing Services, Inc., has recommended that the deferred loan amount be increased to \$15,357.00 with regard to Application No. 02-029.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that deferred

loan amount available under the Township's Housing Rehabilitation Program is hereby increased to \$15,357.00 with regard to Application No. 02-029.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- a. Housing Services, Inc. (Attn: Thomas Woodruff)
- b. Sean Thompson, COAH Principal Planner
- c. Township Administrator
- d. Margaret Gamza, Township COAH Coordinator
- e. Gluck, Walrath & Lanciano, LLP

The following Resolution # 2004-245 (Authorizing Extension of Contract - Swim Club Maintenance) was introduced by reference, offered by Councilman Pernice, seconded by Councilman Burrows and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2004-245

A RESOLUTION APPROVING A ONE-YEAR RENEWAL OF THE CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND AQUATIC SERVICE, INC. FOR THE CONTINUED PROVISION OF POOL MAINTENANCE AND OPTIONAL EXTRAS FOR THE MARLBORO TOWNSHIP SWIM CLUB

WHEREAS, by Resolution #2003-53, dated February 22, 2003, the Township of Marlboro awarded a one-year contract to Aquatic Service, Inc. to provide pool maintenance and optional extras to the Township of Marlboro Recreation and Parks Commission, as set forth in the bid proposal on file with the Township; and

WHEREAS, pursuant to the authorization provided by Resolution #2003-53, the parties entered into a contract for the provision of pool maintenance services and optional extras dated February 28, 2003 (the "Contract"), which is attached hereto and made a part hereof; and

WHEREAS, in accordance with the bid specifications and the terms and conditions of the Contract, the Township of Marlboro reserved the exclusive option to renew any components of the Contract for an additional one-year period on the same terms and conditions specified in the bid proposal submitted by Aquatic Service, Inc.; and

WHEREAS, the Administration and the Township of Marlboro Recreation and Parks Commission have recommended that the Township Council approve the renewal of the Contract for a period of one year upon the same terms and conditions specified in the bid proposal submitted by Aquatic Service, Inc.; and

WHEREAS, the Township Council has determined that it is in the best interest of the residents of the Township of Marlboro to approve said renewal of the Contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to renew the Contract between the Township of Marlboro and Aquatic Service, Inc. for a period of one year upon the same terms and conditions specified in the bid proposal submitted by Aquatic Service, Inc. and authorized by Resolution #2003-53; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Aquatic Service, Inc.
- b. Supervisor, Department of Public Works
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck, Walrath & Lanciano, LLP

The following Resolution # 2004-246 (Authorization to Bid - Cell Tower/Voice Logger) was introduced by reference, offered by Councilwoman Morelli, seconded by Council President Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2004-246

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Business Administrator is hereby authorized and directed to advertise for open competitive bids for the following said work, and/or materials as required by law:

Cell Tower

The following Resolution # 2004-247 (Chapter 159 - Aggressive Driver - \$4,590) was introduced by reference, offered by Council President Mione, seconded by Councilwoman Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2004-247

ITEM OF REVENUE IN THE BUDGET OF MUNICIPALITY
PURSUANT TO N.J.S.A. 40A: 4-87 (Chapter 159, 1948)

WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount; and

WHEREAS, the Township of Marlboro has received a grant award for State of New Jersey - Department of Law and Public Safety, Division of Highway Traffic Safety - Aggressive Driver Enforcement in the amount of \$4,590.00.

SECTION 1:

NOW, THEREFORE, BE IT RESOLVED, that the Township Council hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2004 budget in the amount of \$4,590.00 which item is now available as a revenue from:

Public & Private Revenues Offset with Appropriations:

State of New Jersey - Department of Law and Public Safety -
Division of Highway Traffic Safety

Aggressive Driver Enforcement

\$4,590.00

SECTION 2:

BE IT FURTHER RESOLVED, that the amount of \$4,590.00 is hereby appropriated as:

Operations Excluded from "CAPS":

State of New Jersey - Department of Law and
Public Safety -

Division of Highway Traffic Safety

Aggressive Driver Enforcement

\$4,590.00

And,

BE IT FURTHER RESOLVED, that two certified copies be filed in the Office of the Director of the Division of Local Government Services.

The following Resolutions were introduced by reference, offered by Councilman Pernice, seconded by Councilman Burrows and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn): Res. #2004-248 (Redemption Tax Sale Certs. - Various), Res. #2004-249 (Senior Citizen Deductions - Various), Res. #2004-250 (Veteran Deductions - Various), Res. #2004-251 (Disabled Person Deduction - B. 176, L. 7 C0807), Res. #2004-252 (Extending Grace Period for Tax Payments to August 20, 2004).

RESOLUTION # 2004-248

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$38,082.33 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$38,082.33 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
04-7	172/33	Crusader Servicing Corp.	\$20,695.06
	142 Amboy Road	179 Washington Lane	
		Jenkintown, PA 19046	
04-8	172/52	Culmac, Inc.	6,546.83
	238 Tennent Road	P.O. Box 251	
		Monmouth Beach, NJ 07750	
04-17	360.01/4	Betty Simon, Trustee LLC	5,247.94
	1 Castlehill Drive	P.O. Box 238	
		Northfield, NJ 08225	
02-7	146/13	Paul Frate	3,445.46
	Wooleytown Road	15 Lammers Street	
		Hazlet, NJ 07730	
02-28	120.02/30	Betty Simon, Trustee LLC	2,147.04
	144 Bramble Drive	P.O. Box 238	
		Northfield, NJ 08225	
TOTAL:			\$ 38,082.33

RESOLUTION # 2004-249

WHEREAS, Senior Citizen deductions totaling \$500.00 have been granted as per the attached Schedule "A" for the year 2004,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply these deductions to the respective taxpayers as per Schedule "A".

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
268	49.04	Irwin & Gladys Okun	\$250.00
	4 Okun Court	4 Okun Court	
		Englishtown, NJ 07726	

379	33	Min L. Marcus	250.00
67 Peasley Drive		67 Peasley Drive	
		Marlboro, NJ 07746	

TOTAL: \$ 500.00

RESOLUTION # 2004-250

WHEREAS, Veteran deductions totaling \$1,750.00 have been granted as per the attached Schedule "A" for the year 2004,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply these deductions to the respective taxpayers as per Schedule "A".

SCHEDULE "A"

BLOCK	LOT	ASSESSED OWNER	AMOUNT
225	78	William & Angela Abatangelo	\$250.00
8 Liberty Road		8 Liberty Road	
		Marlboro, NJ 07746	
268	49.04	Irwin & Gladys Okun	250.00
4 Okun Court		4 Okun Court	
		Englishtown, NJ 07726	
305	121	Michael & Laury Berger	250.00
5 Lake Ontario Lane		5 Lake Ontario Lane	
		Morganville, NJ 07751	
345	11	Robert & Muriel Jaffe	250.00
14 Marblewood Road		14 Marblewood Road	
		Marlboro, NJ 07746	
371	286	Max Epstein (Life Rights)	250.00
17 Lakeview Drive		17 Lakeview Drive	
		Marlboro, NJ 07746	
379	31	Joseph & Theresa J. Riccardi	250.00
7 Avon Court		7 Avon Court	

Marlboro, NJ 07746

386	16	Francis & Jane Matuszak	250.00
26 Bishop Court		26 Bishop Court	
		Marlboro, NJ 07746	

TOTAL: \$1,750.00

RESOLUTION # 2004-251

WHEREAS, a Disabled Person deduction in the amount of \$250.00 has been allowed for the year 2004 for Block 176 Lot 7 C0807, located on 807 Mariposa Court, assessed to Alfonso & Maria Salemi,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply the amount of \$250.00 as noted above.

RESOLUTION # 2204-252

WHEREAS, due to a delay by the State in determining our state aid figures, the property tax bills are being mailed later than usual,

WHEREAS, we are mandated to allow taxpayers twenty-five (25) days from mailing date to due date,

NOW THEREFORE, the Tax Collector respectfully requests to extend the grace period to August 20th, 2004,

The following Resolution # 2004-253 (Approving Grant Agreement N.J.DOT Municipal Aid) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilman Burrows and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn)

RESOLUTION # 2004-253

RESOLUTION AUTHORIZING THE TOWNSHIP OF
MARLBORO TO EXECUTE A RESOLUTION,
APPLICATION AND AGREEMENT FOR STATE AID
TO COUNTIES AND MUNICIPALITIES FOR THE

NEW JERSEY DEPARTMENT OF TRANSPORTATION
FOR CERTAIN PROPOSED PROJECTS FOR
MUNICIPAL AID FOR FISCAL YEAR 2005

WHEREAS, there exists a need for the Township of Marlboro to enter into a Resolution, Application and Agreement for State Aid to Counties and Municipalities with the New Jersey Department of Transportation (the "DOT") to receive municipal aid for fiscal year 2005 for the following proposed projects:

1. Route 79 improvements between Marlboro Regional High School and Route 520, a Safe Streets to Schools improvement, which would include a new sidewalk, crosswalks and traffic signals for pedestrians and motorists entering and existing the High School, at a total cost of \$412,500.00, of which the Township would contribute \$50,000.00 and the DOT would provide the remaining \$362,500.00; and

2. Brown Road improvements between Tennent Road and Route 79, a Roadway Reconstruction improvement, which would include drainage system additions to resolve existing problems and widening and overlay to at least 24 feet, at a cost of \$594,000.00 which would be provided by the DOT; and

3. Robertsville Road/Union Hill Road improvements, a Roadway Reconstruction improvement, of which the DOT has already funded \$150,000.00 in fiscal year 2002, which will be used towards the Union Hill portion of the project, and any aid received from the DOT for fiscal year 2005 will be applied towards the Robertsville Road portion of the project; and

4. Station Road improvements between Crine Road and Route 79, a Roadway Reconstruction improvement, which would include drainage system additions including underdrains, road widening to 24 feet minimum, curbing on both sides and consideration for sidewalks, at a total cost of \$875,000.00, of which the DOT would provide the total amount of funding; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to enter into a Resolution, Application and Agreement for State Aid to Counties and Municipalities with the DOT for each of the

four projects, as specifically described in this Resolution; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by Township Council of the Township of Marlboro that Mayor be and is hereby authorized to execute a Resolution, Application and Agreement for State Aid to Counties and Municipalities for an allotment of aid for the improvement of each of the four projects, as specifically described in this Resolution, from the New Jersey Department of Transportation; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Department of Community Development, Engineering Division
- b. Township Administrator
- c. Gluck, Walrath & Lanciano, LLP
- d. James Priolo, P.E., Birdsall Engineering

The following Resolution # 2004-254 (Authorizing Lawn Maintenance Agreement for DiMeo Property) was introduced by reference, offered by Councilwoman Morelli, seconded by Council President Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2004-254

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT
TO TONY CASOLA, T/A AKC, INC. FOR HAY CUTTING,
HAY BALING AND HAY REMOVAL SERVICES FOR THE
DIMEO FARM FOR THE TOWNSHIP OF MARLBORO DIVISION
OF PUBLIC WORKS

WHEREAS, there exists a need for the Township of Marlboro to enter into a contract for the provision of hay cutting, hay baling and hay removal services on all fields that contain hay at the property known as the DiMeo Farm, more specifically described as Block 157, Lots 1 and 8 and Block 160, Lot 8 (the "Property"); and

WHEREAS, Tony Casola t/a AKC, Inc. has agreed to provide the hay cutting, hay baling and hay removal services for the Township of Marlboro at no cost, with the understanding that Tony Casola may receive compensation

from third-parties from a sale of any hay cut, baled and removed from the Property; and

WHEREAS, the estimate for the provision of hay cutting, hay baling and hay removal services on the Property is less than \$17,500.00, thereby allowing a contract to be awarded pursuant to N.J.S.A. 40A:11-3 without public advertising for bids; and

WHEREAS, the Administration and the Division of Public Works recommend that a contract be awarded to Tony Casola, t/a AKC, Inc., for the provision of hay cutting, hay baling and hay removal services on the Property; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award said contract to Tony Casola, t/a AKC, Inc.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract for the provision of hay cutting, hay baling and hay removal services on the Property be and hereby is awarded to Tony Casola, t/a AKC, Inc., and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Tony Casola t/a AKC, Inc.; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Tony Casola t/a AKC, Inc.
- b. Superintendent of Public Works
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck, Walrath and Lanciano, LLP

The following Resolution # 2004-255 (Advising and Consenting to Appointments Agricultural Board) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilman Pernice and passed on a roll call vote of 4- 0 in favor (Absent: Denkensohn).

RESOLUTION # 2004-255

A RESOLUTION APPOINTING THOMAS GERAN AND PENNY CEVASCO TO
SERVE ON THE TOWNSHIP OF MARLBORO AGRICULTURAL ADVISORY
COMMITTEE FOR TWO YEARS AND ONE YEAR, RESPECTIVELY

WHEREAS, the Township Council of the Township of Marlboro approved Ordinance Number 2004-10, creating an Agricultural Advisory Committee under Chapter 98 "Open Space, Farmland and Historic Sites" of the Code of the Township of Marlboro, specifically Section 98-12 through 98-17; and

WHEREAS, pursuant to Section 98-13 of the Code of the Township of Marlboro, the Mayor has the right to appoint three citizens to the Agricultural Advisory Committee with the consent of the Township Council; and

WHEREAS, pursuant to Section 98-14 of the Code of the Township of Marlboro, two of the three citizens appointed to the Agricultural Advisory Committee shall serve for a one-year term, and one of the three citizens appointed to the Agricultural Advisory Committee shall serve for a two-year term; and

WHEREAS, the Mayor desires to make the following initial appointments to the Agricultural Advisory Committee: (i) Thomas Geran for an initial term of 2 years; and (ii) Penny Cevasco for an initial term of 1 year.

NOW, THEREFORE, BE AND IT HEREBY IS RESOLVED by the Township Council of the Township of Marlboro that THOMAS GERAN is hereby appointed to the Agricultural Advisory Committee for an initial term of 2 years, and PENNY CEVASCO is hereby appointed to the Agricultural Advisory Committee for initial terms of 1 year.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Township of Marlboro Planning Board
- b. Township Administrator
- c. Gluck, Walrath & Lanciano, LLP.

At 1:30 AM, Council President Mione moved that the meeting be adjourned. This was seconded by Councilman Burrows, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Denkensohn).

MINUTES APPROVED: August 12, 2004

OFFERED BY: Pernice

AYES: 3

SECONDED BY: Morelli

NAYS: 0

ABSENT: Mione

ABSTAIN: Denkensohn

ALIDA DE GAETA
MUNICIPAL CLERK

JAMES MIONE
COUNCIL PRESIDENT

